

3731

Atty. Dkt. No. 050251-0131



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gray et al.

Title: SURGICAL DEVICE WITH
MALLEABLE SHAFT

Appl. No.: 09/432,523

Filing Date: 3 November 1999

Examiner: D. Isabella

Art Unit: 3731

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.</p> <p align="center"><u>Susan T. Golab</u> (Printed Name)</p> <p align="center"><u>Susan T. Golab</u> (Signature)</p> <p align="center"><u>27 February 2003</u> (Date of Deposit)</p>

AMENDMENT TRANSMITTAL

Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

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Sir:

Transmitted herewith is the Amendment of the above-identified application is response to the Office Action dated 5 July 2002.

- ☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- ☐ Information Disclosure Statement
- ☒ The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	21	52	0	x \$18.00	\$0.00
Independents:	2	8	0	x \$80.00	\$0.00
First presentation of any Multiple Dependent Claims:				+ \$270.00	\$0.00
CLAIMS FEE TOTAL:					\$0.00

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$390.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$890.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,390.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,890.00	\$0.00
EXTENSION FEE TOTAL:			\$0.00
CLAIMS AND EXTENSION FEE TOTAL:			\$0.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:			\$0.00

☐ Please charge Deposit Account No. 06-1450 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 27 February 2003
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By 
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#19/80
3-18-03

Atty. Dkt. No. 050251/0131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gray et al.
Title: SURGICAL DEVICE WITH
MALLEABLE SHAFT
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Examiner: David J. Isabella
Art Unit: 3738

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below. <u>Susan T. Golab</u> (Printed Name) <u>Susan T. Golab</u> (Signature) <u>27 February 2003</u> (Date of Deposit)
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REPLY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Reply is responsive to the Office Action dated 18 December 2002 concerning the above-referenced patent application.

REMARKS

This Reply is in response to the Office Action mailed on 18 December 2002. In that Office Action, claims 37 - 39, 41 and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,871,496 to *Ginn et al.* or U.S. Patent No. 5,749,889 to *Bacich et al.*; claims 37 - 39, 41 and 42 were rejected under 35 U.S.C. § 103 as being obvious in view of U.S. Patent No. 3,915,169 to *McGuire* in further view of U.S. Patent No. 5,749,889 to *Bacich et al.* or U.S. Patent No. 5,871,496 to *Ginn et al.*; and claims 37 - 39, 41 and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,782,834 to *Lucey et al.* All these rejections are respectfully traversed.

In addition, the Office Action further objected to claim 37 as being indefinite for the use of "vice versa." Webster's New Collegiate Dictionary defines "vice versa" as "with the order changed." The language in claim 37 to which the Office Action objects is, "the first and second jaws of the tissue clamp assembly are moved between an open spaced apart position and closed

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